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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY CISNEROS,

Defendant.

CASE NO. 1:22-cr-00329-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: August 28, 2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on August 28, 2024.
2. By this stipulation, defendant now moves to continue the status conference until January 22, 2025, and to exclude time between August 28, 2024, and January 22, 2025, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties will be ready to set the case for a change of plea or a trial at the next status conference.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, several cell phone extractions, photographs, and other evidence.

1 All of this discovery has been either produced directly to counsel and/or made available for
2 inspection and copying.

3 b) Counsel for defendant desires additional time to meet with his client, conduct
4 independent investigation, review the discovery, and consider a potential pretrial resolution of
5 the case. The government has recently made an offer in the case, and the defendant needs time
6 to review that offer and meet with his attorney.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) An ends-of-justice delay is particularly apt in this case because although the
12 defendant is detained pending trial, he is also currently serving a state prison sentence.

13 f) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of August 28, 2024 to January 22,
18 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it
19 results from a continuance granted by the Court at defendant's request on the basis of the Court's
20 finding that the ends of justice served by taking such action outweigh the best interest of the
21 public and the defendant in a speedy trial.

22 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.
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1 Dated: August 21, 2024

PHILLIP A. TALBERT
United States Attorney

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3 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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5 Dated: August 21, 2024

6 /s/ Mark Coleman
Mark Coleman
Counsel for Defendant
JERRY CISNEROS

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11 **ORDER**

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13 IT IS SO ORDERED that the status conference is continued from August 28, 2024, to **January**
14 **22, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.** Time is
15 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). If the parties do not resolve the case in advance
16 of the next status conference, they shall be prepared to set a trial date at the status conference hearing.

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19 IT IS SO ORDERED.

20 Dated: August 22, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE